

***United States Court of Appeals  
for the  
District of Columbia Circuit***



**TRANSCRIPT OF  
RECORD**



ADDITION TO RECORD PER STIPULATION OF COUNSEL.

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# Court of Appeals, District of Columbia

APRIL TERM, 1911.

No. 2226.

788

EDWARD N. HOPEWELL, ADMINISTRATOR OF THE  
ESTATE OF LOUISA M. TURNBURKE, DECEASED, AP-  
PELLANT,

vs.

JOHN T. WRIGHT.

FILED MARCH 31, 1911.

Court of Appeals of the District of Columbia, April Term, 1911.

No. 2226.

EDWARD N. HOPEWELL, Administrator of the Estate of Louisa M.  
Turnburke, Deceased, Appellant,

vs.

JOHN T. WRIGHT.

We consent to this Order, Motion, and Affidavit being made a part  
of the Record in this Cause in the Court of Appeals.

JUDSON T. CULL,

*Attorney for Appellee.*

W. GWYNN GARDINER,

*Att'y for Appellant.*

Filed July 16, 1908.

In the Supreme Court of the District of Columbia.

Equity. No. 27819.

LOUISA M. TURNBURKE  
vs.  
SAMUEL KOBLEN et al.

This cause coming on to be heard upon the motion of the complainant to vacate and set aside the order of July 8th sustaining the demurrer to the bill, and the Court being fully advised in the premises hereby overrules said motion, without prejudice to the right of the complainant to obtain from the court leave to renew if a proper amendment be tendered in fifteen days.

WRIGHT, *Justice*.

Filed July 13, 1908. J. R. Young, Clerk.

In the Supreme Court of the District of Columbia.

Equity. No. 27819.

LOUISA M. TURNBURKE  
vs.  
SAMUEL KOBLEN.

Comes now the plaintiff in the above entitled cause and moves the Court to set aside the Demurrer entered into, and to allow the plaintiff to proceed in the usual way for hearing upon the said Demurrer, or to amend said Decree so as to give plaintiff the right to amend her Bill in said cause, and for reasons therefor says:

That plaintiff, through her counsel, did not know of the said Order being entered until this date.

That plaintiff, through her attorney, did not have an opportunity to appear in Court when the matter was presented and the decree was signed.

And for other and sufficient reasons as appearing upon the record.

W. GWYNN GARDINER,  
*Attorney for Plaintiff.*

To Wolf & Rosenberg, Esqrs., Attorneys for Defendant:

Take notice that the above Motion will be called to the attention of the Court on Thursday morning next, the 16th inst. at ten o'clock, or as soon thereafter as counsel can be heard.

W. GWYNN GARDINER,  
*Attorney for Plaintiff.*

Filed July 13, 1908. J. R. Young, Clerk.

DISTRICT OF COLUMBIA, *To wit:*

I, W. Gwynn Gardiner, being first duly sworn, on oath depose and say that I am the attorney for the plaintiff in the case of Turnburke against Koblen, Equity No. 27819; that I had no copy of the Demurrer filed in the above entitled cause and all knowledge I had of the fact that the said Demurrer was filed, was that Mr. Wolf of counsel for the defendant in said cause, advised me on the date that his Petition to strike from the files was overruled, that he would file a Demurrer to the Bill, and I was under the impression that if such was filed it could not be filed before the rule day to be answered in July, and I therefore overlooked calendaring the said Demurrer; that it would be a great hardship to the plaintiff herein to allow the said Demurrer to be sustained without even leave to amend, because by so doing the defendant will transfer all of his property away and thereby deprive the plaintiff herein from satisfying any judgment which she may succeed in obtaining against the defendant, growing out of an accident caused by the willful and gross neglect of the defendant, thereby making the plaintiff herein an invalid for the remainder of her life.

W. GWYNN GARDINER.

Subscribed and sworn to before me this 13th day of July, A. D. 1908.

[NOTARIAL SEAL.]

H. J. SWEENEY,  
*Notary Public, D. C.*

[Endorsed:] No. 2226. Edward N. Hopewell, Administrator, &c., appellant, vs. John T. Wright. Addition to record per stipulation of counsel. Court of Appeals, District of Columbia. Filed Mar. 31, 1911. Henry W. Hodges, Clerk.